

FIRST REGULAR SESSION

# HOUSE BILL NO. 230

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HOSMER AND HANAWAY (Co-sponsors).

Read 1<sup>st</sup> time January 3, 2001, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

0816L.011

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### AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to claims against certain licensed professionals.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be  
2 known as section 537.800, to read as follows:

**537.800. 1. In any action against a licensed professional for damages or injuries on  
2 account of the rendering of or failure to render professional services, the plaintiff or the  
3 plaintiff's attorney shall file an affidavit with the court stating that he or she has obtained  
4 the written opinion of a legally qualified like licensed professional which states that the  
5 defendant licensed professional failed to use such care as a reasonably prudent and careful  
6 licensed professional would have under similar circumstances and that such failure to use  
7 such reasonable care directly caused or directly contributed to cause the damages claimed  
8 in the petition.**

**9 2. The affidavit shall state the qualifications of such like licensed professional to  
10 offer such opinion.**

**11 3. A separate affidavit shall be filed for each defendant named in the petition.**

**12 4. Such affidavit shall be filed no later than ninety days after the filing of the  
13 petition unless the court, for good cause shown, orders that such time be extended.**

**14 5. If the plaintiff or the plaintiff's attorney fails to file such affidavit, the court may,  
15 upon motion of any party, dismiss the action against such moving party without prejudice.**

**16 6. For purposes of this act, the term "licensed professional" shall mean every  
17 licensed architect, professional engineer, land surveyor or any corporation authorized to**

18 **render any of the aforementioned professional services. This section shall not apply to any**  
19 **"health care provider" as that term is defined in section 538.205, RSMo.**

20 **7. The provisions of this section shall not apply to actions filed in small claims court**  
21 **pursuant to chapter 482, RSMo.**